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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,757	01/22/2002	Rich Baranski	57111-5103	7325

24574 7590 06/30/2003

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/055,757	Applicant(s) BARANSKI, RICH
Examiner Dinesh N Melwani	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 May 2003.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 5/6/03 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

Acknowledgement is made of applicant's submission of:

Amendment A filed on 5/6/03.

The aforementioned item has been noted and officially inserted into the application.

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5/6/03 has been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (U.S. Patent No. 1,272,115). Russell discloses an adjustable door guide latch slot assembly as claimed; wherein said assembly comprises a striker plate (6) having a latch opening (12) therein, and a door guide (5) having an inner surface (generally (8)) and having an opening (9) therein with said opening being larger than said striker plate latch opening, whereby said

Art Unit: 3677

striker plate maybe adjustably affixed directly to said door guide (5) inner surface so that said striker plate latch opening aligns with said slidable door latch. As it concerns claims 2, 3, and 15, Russell's assembly further comprises a recessed area (8) on said door guide inner surface that is large enough so that said striker maybe placed flat within said recessed area, see Fig. 3.

Furthermore, the depth of said recessed area is at least as great as the thickness of said striker plate. As it concerns claims 4-6 and 16, Russell's door guide opening has alignment slots (10) for accommodating various positions of placement of said striker plate against said door guide inner surface. In regards to claims 7-10 and 17, Russell's striker plate (6) has a first set (13) of fastener openings for receiving fasteners to affix said striker plate to said door guide, see Fig. 2.

4. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth (U.S. Patent No. 5,757,269). Roth discloses an adjustable door guide latch slot assembly as claimed; wherein said assembly includes a striker plate (110) having a latch opening (112) therein; a door guide having an outer surface (Z) and an inner surface (Y) with a recessed area larger than said striker plate and having an opening therein extending from the inner surface to the outer surface with said opening being larger than said striker plate latch opening; and a security device (12) having a latch receiving port (A), the security device extending out from the outer surface of the door guide, whereby said striker plate maybe placed flat against said door guide inner surface within said recessed area and maybe adjustably affixed to said door guide inner surface so that said striker plate latch opening aligns with said slidable door latch and whereby said security device is affixed to said adjustable striker plate so that said latch receiving port aligns with both said striker plate latch opening and said slidable door latch. As it concerns claim 20, as shown in

Art Unit: 3677

Figs. 3A & 3B, the depth of said recessed area is at least as great as the thickness of said striker plate, see Fig. 1'.

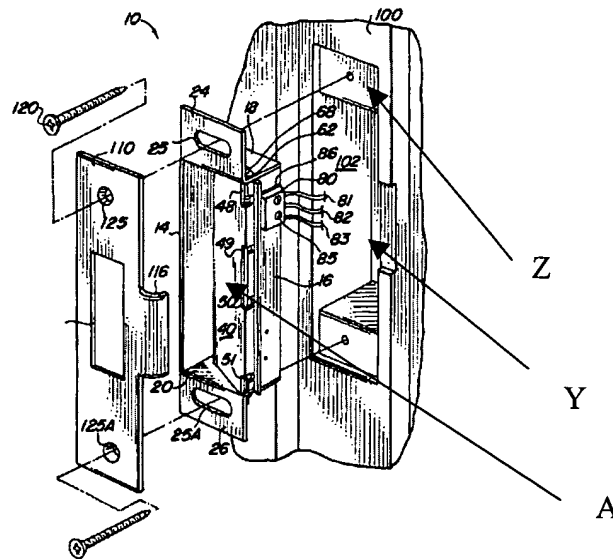


Figure 1'

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 11-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (U.S. Patent No. 1,272,115) in view of Roth (U.S. Patent No. 5,757,269). Russell discloses an adjustable door guide latch slot assembly substantially as claimed (as set forth in Paragraph 3 of this Office Action), however, Russell does not include a security device having a latch port for accepting said door latch whereby said security device is affixed to said adjustable

Art Unit: 3677

striker plate to accommodate the position of a door latch. Roth discloses a latch monitor that teaches the use of a security device (12) having a latch port (A) for accepting said door latch whereby said security device is affixed to said adjustable striker plate to accommodate the position of a door latch. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Roth, in regards to security device, to modify Russell to provide verification of the latch bolt being in the proper engaged position, thereby ensuring security of the locking assembly.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (U.S. Patent No. 5,757,269). Roth discloses a door guide opening substantially as claimed; wherein said door guide comprises holes instead of slots; wherein said holes cooperate with the slots for accommodating various positions of said striker plate against said door guide inner surface. The applicant is reminded that the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (U.S. Patent No. 1,272,115). The method of adjustably aligning a latch slot in a fixed door guide as recited by the applicant in claim 22 is deemed inherent based on the structure of the prior art of record. Since the teachings of the references taken as a whole necessitate the steps described in said method, it would have been obvious to one having ordinary skill in the art at the time the invention was made to carry out the necessary steps described by said method.

Response to Arguments

9. Applicant's arguments filed 5/6/03 have been fully considered but they are not persuasive.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the door guide being defined in the specification as a structure in which an overhead door travels vertically up and down) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the Examiner asserts that Russell discloses a door guide (5) within the meaning of the applicant's claims, see lines 55-50.

11. In regards to the applicant's argument that the Russell reference fails to disclose a striker plate affixed directly to the door guide, the Examiner directs the applicants to Figs. 1 and 3, which clearly show strike plate (6) directly affixed to door guide (5) within the meaning of the applicant's claims.

12. Applicant's arguments with respect to claims 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3677


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM
June 24, 2003



WILLIAM MILLER
PRIMARY